

Chapter 8.17

SPECIAL EVENTS

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8.17.010 Purpose and intent.

The city council recognizes that special events enhance the city's lifestyle and provide benefits to area residents, visitors, and businesses through the creation of unique venues for expression, recreation, and entertainment that are not normally provided as a part of governmental services. However, the city council also recognizes that special events, if unregulated, can have an adverse effect on the public health, safety and welfare due to noise, traffic, safety, and health hazard impacts. The purpose and intent of this chapter is to set forth reasonable regulations by establishing a process for permitting special events within the city, to protect the rights and interest granted to special event permit holders, to ensure the health and safety of patrons of special events, to prohibit illegal activity from occurring within special event venues, and to minimize any adverse effects from special events while ensuring the orderly and efficient use of public property and city services. It is further intended to create a mechanism for cost recovery for special events without having an adverse effect on those special events that contribute to the community. It is also the intent of the council to protect the rights of citizens to engage in protected free speech expression activities and yet allow for the least restrictive and reasonable, time, place and manner regulation of those activities within the overall context of rationally regulating special events that have an impact upon public facilities and services.

8.17.020 Definitions.

Except where the context otherwise requires, for the purposes of this chapter, [Chapter 8.17 et seq.](#), the following definitions apply:

"Affected parties" means businesses and residents located within 300 feet of the area around the special event that are likely to experience impact from the special event.

"City manager" means the city manager or authorized designee.

~~“Demonstration” means any formation, procession or assembly of 50 or more persons which, for the purposes of expressive activity, is:~~

- ~~1. To assemble or travel in unison on any street in a manner that does not comply with normal traffic regulations or controls; or~~
- ~~2. To gather at a public park or other public area.~~

“Event” ~~means a~~ includes special event ~~or a demonstration.~~

“Event ~~organizer~~promoter” means any person who conducts, manages, promotes, organizes, aids or solicits attendance at a special event.

“Expressive activity” includes conduct, the sole or principal object of which is the means of opinion, views, or ideas and for which no fee or donation is charged or required as a condition of participation in or attendance at such activity. It includes public oratory and distribution of literature. For the purposes of this chapter, expressive activity does not include sports events, fundraising events, parades, public assemblies or other events for which the principal object is entertainment.

“Major event” means a special event that requires a traffic control plan for three or more intersections of any street or requires a traffic control plan for a secondary arterial, major arterial or a prime arterial.

“Minor event” means a special event that does not require a traffic control plan or that requires a traffic control plan for two or fewer intersections and does not involve a secondary arterial, major arterial or a prime arterial.

“Parade” means any march, demonstration, procession or motorcade consisting of persons, vehicles or a combination thereof, upon any street, sidewalk, public park, or other public area within the city.

“Parks and recreation director” means the director of parks and recreation or authorized designee.

“Permittee” means a person to whom a special events permit has been issued.

“Person” means any person, firm, partnership, association, corporation, company or organization of any kind.

“Police chief” means the chief of police or authorized designee.

“Private property permit” means a minor event administrative permit issued by the community and economic development director for a function held entirely on private property that does not require a use of public property in a manner which impacts or restricts the public’s normal or typical use of such property or does not comply with the normal or usual traffic regulations or controls or that require the provision of extraordinary city services and are therefore not governed by this chapter.

“Public assembly” means any meeting, demonstration, picket line, rally or gathering of any kind that occupies any street, sidewalk, public park, or other public area within the city.

“Sidewalk” means any area or way set aside or open to the general public for purposes of pedestrian travel, whether or not it is paved.

“Sound-amplifying system” means any system, apparatus, equipment, device, instrument or machine designed for or intended to be used for the purpose of amplifying the sound or increasing the volume of human voice, musical tone, vibration or sound wave.

“Special event” means:

1. Any organized formation, parade, procession or public assembly consisting of 50 or more persons, and which may include animals, vehicles or any combination thereof, which is to assemble or travel in unison on any street which does not comply with normal or usual traffic regulations or controls; or
2. Any commercial or noncommercial organized assemblage of 50 or more persons at any public beach, public park, public water ways, street, or sidewalk which is to gather for a common purpose under the direction and control of a person; or

3. Any other organized activity conducted by a person for a common or collective use, purpose or benefit which involves the use of, or has an impact on, other public property or facilities and the provision of city public safety services in response thereto;
4. Examples of special events include concerts, parades, circuses, fairs, festivals, block parties, community events, fireworks, mass participation sports (such as marathons and running events, bicycle races or tours, tournaments), or spectator sports (such as football, baseball and basketball games, golf tournaments, surfing contests or other water competitions).
5. Organized formations, parades, processions, public assemblies, and activities for which the principal purpose is expressive activity and not included in this definition.

“Special event permit” means a permit as required by this chapter.

~~“Spontaneous demonstration” is an event occasioned by news or affairs coming into public knowledge less than 48 hours prior to such event.~~

“Street” means any place or way set aside or open to the general public for purposes of vehicular traffic, including but not limited to any berm or shoulder, parkway, public parking lot, right-of-way, alley or median.

8.17.030 Permit required.

No person shall engage in or conduct any special event unless a special event permit is issued by the city manager or authorized designee.

8.17.040 Exceptions to special event permit requirement.

A special event permit is not required for any of the following:

- A. Any organized activity within the scope of a conditional use permit, other land use approval or a private property permit given or required for that use; or
- ~~B. Spontaneous demonstration, consisting of 50 or less persons, that do not involve the use of vehicles, animals, fireworks, pyrotechnics or equipment (other than sound equipment), provided that:~~
 - ~~1. No fee or donation is charged or required as a condition of participation in or attendance at such demonstration; and~~
 - ~~2. The chief of police is notified at least 36 hours in advance of the commencement of the demonstration; or~~
- CB. Lawful picketing; or
- DC. Funeral processions by a licensed mortuary; or
- ED. Activities conducted by a government agency acting within the scope of its authority.

8.17.050 Special events committee.

- A. The special events committee shall be comprised of the assistant city manager, community and economic development director, transportation director, fire chief, police chief, housing and neighborhood services director, parks and recreation director and risk manager or their designated representatives. The parks and recreation director will chair the committee.
- B. The special events committee is charged with reviewing and providing recommendations to the city manager regarding the approval or modification of an application for a special event permit based upon the information required in the application with regard to considerations of public safety, traffic flow and control, the disruption to residences and businesses; availability of resources of city personnel and equipment to adequately ensure the public health, safety and welfare.
- C. The special events committee shall not recommend for approval a new event for the date, time or location of a previously established reoccurring event unless the applicant of the previously

established reoccurring event notifies the city of their intent to not hold the event or no application has been received by the city at the minimum application filing date.

8.17.060 Application.

- A. A person requesting a special event permit shall file an application, certified by affidavit on forms provided by the parks and recreation department. The parks and recreation director will forward the application to the special events committee for review and recommendation to the city manager.
- B. The application shall be filed at least 90 days and not more than two years before the special event is proposed to commence ~~except for spontaneous demonstration held to react to current events, which shall provide a minimum of 36 hours' notice~~. The minimum 90-day notice requirement may be waived by the parks and recreation director upon written finding that the limited scope of the event, both in size and magnitude, allows it to be adequately reviewed in the time provided.
- C. The application for a special event permit shall set forth all of the following information, if applicable:
 1. The name, address, e-mail address and telephone number of the applicant and event organizer and its officers;
 2. The names, addresses and telephone numbers of the headquarters of any organization for which the special event is to be conducted, and proof of the authorized representatives of the organization;
 3. An acknowledgment of financial responsibility for any city fees or costs that may be imposed for the special event by the applicant and any person authorizing the applicant to apply for the permit on its behalf;
 4. A description of the nature or purpose of the special event, including a description of activities planned during the special event;
 5. A statement of fees to be charged participants in the special event;
 6. Identification of the Carlsbad location where special event sales will be reported to the franchise tax board, a City of Carlsbad business license or a copy of a document showing proof the applicant is a tax-exempt non-profit organization;
 7. Proof of insurance required by this chapter;
 8. The date(s), time(s), and location(s) where the special event is to be conducted, including assembly and disbanding;
 9. A site plan including but not limited to:
 - a. Portable structures,
 - b. Prefabricated structures,
 - c. Site-built structures,
 - d. Staging,
 - e. Reviewing stand(s),
 - f. Elevated platforms,
 - g. Temporary pedestrian bridges,
 - h. Tents or canopies,
 - i. On-site grading,
 - j. Portable restrooms,
 - k. All on-site signs and banners that have a face area larger than 16 square feet and/or stand more than four feet above the ground,
 - l. Any travel routes,
 - m. Assembly or production areas,

- n. Electrical sources and connections,
 - o. Fuel storage,
 - p. Cooking and open fires,
 - q. Water supply,
 - r. Run-off containment features,
 - s. Waste recycling containers,
 - t. Accessible parking,
 - u. Access points and routes for disabled persons,
 - v. Access points for emergency fire and ambulance equipment,
 - w. Emergency medical services area(s),
 - x. Any vehicles located in an enclosed area,
 - y. Pyrotechnics,
 - z. Inflatable(s),
 - aa. Animals and animal rides,
 - bb. Carnival rides,
 - cc. Location to accommodate individuals desiring to express opinions not consistent with the purpose or intent of the event, and
 - dd. Other similar information that will describe the components of the event;
- 10. The location and description of all off-site signs, banners or attention getting devices;
 - 11. A detailed traffic control plan (TCP) for a major event and parking management plan, consistent with standards set forth in the National Manual on Uniform Traffic Control Devices or the California Supplement to the National Manual on Uniform Traffic Control Devices for all streets, sidewalks and parking lots which the special event will impact by restricting the public's normal, typical or customary use thereof;
 - 12. The approximate number of participants, spectators, animals and vehicles;
 - 13. The number of persons proposed or required to monitor or facilitate the special event and to provide spectator or participant control and direction for events using city streets, sidewalks, or facilities;
 - 14. Provisions for first aid and emergency medical services;
 - 15. The number, type and location of sanitation facilities;
 - 16. Provisions for recycling per Public Resources Code Sections 42648 through 42648.7;
 - 17. Pollution prevention in compliance with city's municipal National Pollutant Discharge Elimination System permit, city ordinances and the city "Jurisdictional Urban Runoff Management Plan (JURMP)";
 - 18. A description of any recording equipment, sound amplification equipment, or other attention-getting devices to be used in connection with the special event.

~~D. Applications for special event permits for spontaneous demonstration held to react to current events shall provide the information in subsections (C)(1), (C)(7), (C)(11) and (C)(18) of this section only.~~

~~E.D.~~ Applicants for a repeated event held on private property (such as fireworks) may file one annual special event application identifying the event dates for one calendar year.

8.17.070 Fees.

- A. Major Event Fee. A nonrefundable fee, as set forth in the schedule of service costs approved by city council resolution, reasonably calculated to reimburse the city for its reasonable and necessary costs

in receiving, processing and reviewing applications for permits to hold a major event, must be paid to the City of Carlsbad when an application is filed.

- B. Minor Event Fee. A nonrefundable fee, as set forth in the schedule of service costs approved by city council resolution, reasonably calculated to reimburse the city for its reasonable and necessary costs in receiving, processing and reviewing applications for permits to hold a minor event, must be paid to the City of Carlsbad when an application is filed.
- C. If the application includes the use of any city facility and/or property, or if any city services are required for the special event, the applicant must agree to pay for the services in accordance with a schedule of service costs approved by city council resolution.
- D. Third Party Fee. If the permittee provides for or allows third party vendors to participate in the special event, the permittee shall pay an additional nonrefundable fee, as set forth in the schedule of service costs approved by city council resolution, reasonably calculated to reimburse the city for its actual and necessary costs in receiving, processing and reviewing the application that includes third party vendors. The amount of the additional fee shall be established by resolution of the city council and shall be based on whether the application is for a major or minor event.

8.17.080 Police protection and other emergency services.

- A. The police chief will determine whether and to what extent additional police protection, civilian traffic control personnel, private security and volunteer staff are reasonably necessary to ensure traffic control and public safety for the special event. The police chief will base this decision on the size, location, duration, time and date of the special event, the expected sale or service of alcoholic beverages, the number of streets and intersections blocked off from use by the public, and the need to detour or preempt pedestrian and vehicular travel from the use of public streets and sidewalks. The police chief shall provide, if police protection and/or other emergency and safety services or equipment is deemed necessary for the special event, an estimate of the cost of extraordinary city services and equipment required in writing. The applicant will be billed for services after the event.
- B. When the police chief is determining the size of the event and the security needed to protect participants and spectators, the estimate, based upon reasonably known information, of participants shall be determinative. The numbers of persons attending in response to an event, to heckle, protest or oppose the sponsor's viewpoint shall not be considered in the cost of providing police protection.

8.17.090 Release and indemnification requirement.

Permittee agrees to waive and release the City of Carlsbad and its officers, agents, employees and volunteers from and against any and all claims, costs, liabilities, expenses or judgments including attorney's fees and court costs arising out of the activities of this special event or any illness or injury resulting therefrom, and hereby agree to indemnify and hold harmless the City of Carlsbad from and against any and all such claims, whether caused by negligence or otherwise, except for illness and injury resulting directly from gross negligence or willful misconduct on the part of the city or its employees.

8.17.100 Insurance requirements.

Whenever a special event, including but not limited to exhibits, fairs, athletic events, trade shows, concerts, or conventions, requires a permit under the provisions of this code, the sponsor, promoter-event organizer or person conducting the special event shall provide evidence of commercial general liability insurance in a form acceptable to the risk manager (and additional coverage(s) as appropriate for the activities of the event), naming the City of Carlsbad as an additional insured, and with a coverage amount to be determined by the risk manager according to the size and risk factors of the event. When determining the size of the event and the risk to participants and spectators, the estimate of participants shall be determinative. The person conducting the special event shall not be required to insure any risk arising from persons attending in response to an event, to heckle or oppose the sponsor's viewpoint. The insurance company or companies shall meet the requirements established by city council resolution for all insurance required by the city. The

insurance policy required by this section shall not be cancelled, limited or not renewed without 30 days' prior written notice has been given to the city.

8.17.110 Signs.

- A. The permittee shall post street closure notification signs at locations approved by the city manager which include the name of the event, date, time and location of the closure and which:
 - 1. Shall not exceed 16 square feet in sign area with a minimum letter size of four inches;
 - 2. Shall be posted on any street on which more than two intersections will be closed, and any secondary arterial, major arterial, or prime arterial that will be closed as a result of the special event;
 - 3. Shall be posted a maximum of 15 days and a minimum of 10 days prior to the scheduled closure; and
 - 4. Shall be removed within two days following the conclusion of the event.
- B. The permittee may post a maximum of eight signs that promote the event at locations approved by the city manager. Event promotion signs shall meet the following conditions:
 - 1. The event promotion sign(s) shall not exceed 16 square feet in sign area;
 - 2. Shall not be posted more than 16 days prior to the event; and
 - 3. Shall be removed immediately but in no event more than two days following the event.
- C. The permittee shall post traffic control and/or directional signs the day or days of the special event as required by the permit. Traffic control and/or directional signs shall meet the following conditions:
 - 1. The location of all traffic control and/or directional signs shall require approval of the city manager; and
 - 2. Traffic control and/or directional signs shall not be posted more than four hours prior to the start of the special event and shall be removed not more than four hours after the conclusion of the special event. Any sign(s) left out after four hours may be removed by city staff and disposed of without compensation to event organizer.
- D. The permittee for a special event permit may post signs and banners during the special event at the special event venue.
 - 1. All venue sign(s) with more than 16 square feet of sign area or signs that are more than four feet above ground level shall be identified on the site plan.
 - 2. Each venue signs and/or banners shall be less than 50 square feet of sign area.
- E. Signs stating "no parking/tow away" shall be posted 72 hours in advance of the event start time.

8.17.120 Notification.

- A. The applicant for:
 - 1. A first time major event;
 - 2. A major event that has not been held for more than two years;
 - 3. A first time event at a city facility that is not authorized by facility use permit; or
 - 4. An event at a city facility that is not authorized by facility use permit and that has not been held for more than two years; shall sponsor a meeting for all affected parties. This meeting must be held not more than 180 days prior or less than 80 days prior to the special event date. Affected parties must be notified by the applicant via the United States Postal Service or by direct distribution to all affected parties of the meeting a minimum of 10 days prior to the meeting. The purpose of this meeting will be to allow the special event sponsor to identify and address concerns of affected parties regarding the time, place and manner in which the special event is to be held. Concerns regarding the message or viewpoint of the event sponsor shall not be

considered. The parks and recreation director may waive the minimum 80-day time limit for the affected party meeting with a written finding of good cause if, after due consideration, the parks and recreation director determines that because of the limited scope and complexity of the event when considering the application criteria, there will be adequate time for review by and input of concerned affected parties.

- B. The applicant for a major special event permit that is not subject to the notification described in subsection A shall notify all affected parties of the event not more than 40 days nor less than 30 days prior to the special event date via the United States Postal Service or by direct distribution to all affected parties. The notification shall contain information concerning the event and information on how to contact the applicant and the special events committee before and after the event.
- C. All applicants for a special event permit shall notify via the United States Postal Service or by direct distribution to all affected parties of the event not more than 15 days prior or less than 10 days prior to the special event date with information concerning the event and information on how to contact the applicant and the special events committee before and after the event.

8.17.130 Reasons for denial of a special event permit.

- A. The city manager may only deny a special event permit to an applicant when any of the following applies:
 - 1. The application for the permit (including any attachments) is not fully completed and executed.
 - 2. The application for the permit contains a material falsehood or misrepresentation.
 - 3. The applicant has failed to conduct a previously authorized event in accordance with law or the terms of a permit, or both.
 - 4. The use or activity would conflict with previously planned programs organized and conducted by the city and previously scheduled for the same place and time.
 - 5. A fully executed prior application for the same time and place has been received and a permit has been or is likely to be granted authorizing uses or activities which do not reasonably permit multiple occupancy of the particular site or part thereof.
 - 6. The applicant has not complied or cannot comply with applicable federal, state or local laws, regulations, ordinances or city council policy.
 - 7. The applicant has not tendered the required application, indemnification agreement and endorsement(s), insurance certificate, or security deposit for police and emergency services and equipment within the times prescribed.
 - 8. The applicant has not provided for the services of a required number of police officers, fire and/or paramedic personnel, private security, civilian traffic controllers or event volunteers/staff to ensure the safety of the event.
 - 9. The applicant has not provided adequate sanitation and other required health facilities on or adjacent to any public assembly area.
 - 10. The applicant has not provided sufficient off-site parking or shuttle service, or both, required to minimize any adverse impacts on public parking and traffic circulation in the vicinity of the special event.
 - 11. The applicant has not obtained the approval of any other public agency within whose jurisdiction the special event or portion thereof will occur.
 - 12. The use or activity would present an unreasonable danger to the health or safety of the applicant, other users of the site, or the public.
 - 13. The special event will require the exclusive use of beach or park areas during any period in a manner which will have adverse impact on the reasonable use or access to those areas by the general public.

14. The special event will create the imminent possibility of violent disorderly conduct likely to endanger public health, safety and welfare or to result in property damage.
 15. The special event will interfere with the normal access and function of businesses and/or residences during any period in a manner, which will have adverse impact on the reasonable use or access to those areas.
 16. The special event will require the diversion of a great number of police employees from their normal duties, thereby preventing reasonable police protection to the remainder of the city.
 17. The conduct of the special event will substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic, including public transportation, contiguous to its route or location.
- B. The city manager shall not deny a special event permit to an applicant based upon the message, content or viewpoint of the event sponsor.

8.17.140 Notice of denial of application.

The city manager will act promptly upon a timely filed application for a special event permit and will make a determination not less than 28 calendar days prior to the event. The applicant will be notified within two working days of said determination.

If the city manager does not act on a special event application at least 28 calendar days prior to the event, the application shall be deemed denied.

8.17.150 Alternatives to permit application.

The city manager, in denying an application for a special event permit, may authorize the conduct of the special event at a date, time, location, or route different from that named by the applicant and shall propose alternative measures, which would cure any defects in the application. An applicant desiring to accept the modifications to the application will, within five days after notice of the action of the city manager, file a written notice of acceptance with the city manager.

8.17.160 Appeal procedure.

- A. Any applicant has the right to appeal the denial of a special event permit to the city council. The denied applicant must make the appeal within five days after receipt of the denial by filing a written notice with the city clerk and a copy of the notice with the police chief. The city council will act upon the appeal at the next regularly scheduled meeting following receipt of the notice of appeal, which decision will be final.
- B. In the event that the city council denies an applicant's appeal, the applicant shall be afforded prompt judicial review of that decision as provided by California Code of Civil Procedure Section 1094.8.

8.17.170 Notice to city and other officials.

Immediately upon the issuance of a special event permit, the parks and recreation director will send a notice thereof to the city manager, the city attorney, the police chief, the fire chief, the utilities director, the community and economic development director, and the manager or responsible head of each public transportation utility, the regular routes of whose vehicles will be affected by the route or location of the proposed special event.

8.17.180 Special events calendar.

The city will maintain a special events calendar. Events will be registered on the special events calendar as "approved" or as "pending."

8.17.190 Contents of permit.

Each special event permit will contain the following information or conditions, which is pertinent to the event:

- A. The dates and times when the special event is to be held;
- B. The dates and time roads will be closed;
- C. The set-up or staging time;
- D. The time clean-up or dismantling will be completed;
- E. The location of the special event venue, including set-up or staging area, if any, and clean-up or dismantling area, if any;
- F. The specific route of the special event;
- G. The number of persons, and type and number of animals and vehicles, the number of bands, other musical elements and equipment capable of producing sound, if any, and noise limitations thereon;
- H. The location of reviewing or audience stands;
- I. A copy of the traffic control plan (TCP) and/or parking management plan including the number and location of traffic controllers, monitors, other personnel and equipment and barricades to be furnished by the special event permittee;
- J. Conditions or restrictions on the use of alcoholic beverages and authorization for the conditions of the exclusive control or regulation of vendors and related sales activity by the permittee during the special event;
- K. Provisions for any required emergency medical services;
- L. The applicant's recycling plan;
- M. The applicant's plan to control water run-off and other contaminants that may enter the city storm drain system;
- N. Provisions for cleaning-up and restoration of the area or route of the event both during and upon completion of the event;
- O. The requirement for the on-site presence of the ~~special~~ event organizer or a designated representative for event coordination and management purposes who shall carry the special event permit upon his or her person during the special event.

8.17.200 Violations.

- A. Violations of the terms and conditions of any of the following prohibitions in this chapter will constitute a misdemeanor punishable by a fine of up to \$1,000.00, or by imprisonment in the county jail for a term not exceeding six months, or by both:
 - 1. To stage, present, or conduct any special event without first having obtained a permit under this chapter;
 - 2. To hamper, obstruct, impede, or interfere with any special event or with any person, vehicle or animal participating or used in the special event;
 - 3. To carry any sign, poster, plaque, or notice, whether or not mounted on a length of material, unless such sign, poster, plaque, or notice is constructed or made of a cloth, paper, or cardboard material;
 - 4. For any person participating in any special event to carry or possess any length of metal, lumber, wood, or similar material for purposes of displaying a sign, poster, plaque or notice, unless such object is one and one-fourth inch or less in thickness and two inches or less in width, or if not generally rectangular in shape, such object may not exceed three-fourths inch in its thickest dimension.
- B. Violations of the terms and conditions of any of the following prohibitions in this chapter will constitute an infraction and shall be punished as provided for in Chapter 1.08 of this code:
 - 1. To participate in a special event for which the person knows a permit has not been granted;
 - 2. To knowingly fail to comply with any condition of the permit;

3. For a participant in or spectator at a special event to knowingly violate any conditions or prohibitions contained in the special events permit;
 4. For any driver of a vehicle to drive between the vehicles or persons comprising a special event when the vehicles or persons are in motion and are conspicuously designated as a special event;
 5. The police chief may prohibit or restrict the parking of vehicles along a street constituting a part of a special event if the police chief posts or cause to be posted signs to that effect. It is unlawful for any person to park or leave unattended any vehicle in violation of the posted signs.
- C. The police chief may, when reasonably necessary, waive parking regulations along a street constituting a part of a special event.

8.17.210 Revocation of permit.

The police chief may revoke a special event permit without prior notice upon violation of the permit or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the special event would have an immediate and adverse effect upon the health, safety and welfare of persons or property. Written notice of the revocation setting forth the reasons therefor, shall be hand delivered or mailed to the applicant at the address provided on the application.

8.17.220 Severability.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision will not affect the validity of the remaining portions of this chapter. The city council declares that it would have passed the ordinance codified in this chapter and each section, subsection, sentence, clause or phrase contained in it irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases are declared invalid or unconstitutional.

Chapter 8.18
EXPRESSIVE ACTIVITY

Sections:

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8.18.010 Purpose and intent.

Establish a more streamlined permitting process for expressive activities that balances the public's right to engage in such activities with the city's substantial interest in ensuring the public's peace, health, and safety and managing competing uses of city facilities by the public.

8.18.020 Definitions.

Except where the context otherwise requires, for the purposes of this chapter, Chapter 8.18 *et seq.*, the following definitions apply:

"City manager" means the city manager or authorized designee.

"Demonstration" means any formation, procession or assembly of persons which, for the purposes of expressive activity, is:

1. Assembling or traveling in unison on any street or sidewalk in a manner that does not comply with normal or usual traffic regulations or controls; or
2. Gathering at a public park or other public area.

"Event" means a parade, public assembly or expressive activity.

"Event organizer" means any person who conducts, manages, promotes, organizes, aids or solicits attendance at a special event.

"Expressive activity" includes conduct, the sole or principal object of which is the means of opinion, views, or ideas and for which no fee or donation is charged or required as a condition of participation in or attendance at such activity. It includes public oratory and distribution of literature. For the purposes of this chapter, expressive activity does not include sports events, fundraising events, parades, public assemblies or events for which the principal object is entertainment.

"Expressive activity event permit" means a permit as required by this chapter.

"Parade" means any march, demonstration, procession or motorcade consisting of persons, vehicles or a combination thereof, upon any street, sidewalk, public park, or other public area within the city.

"Police chief" means the chief of police or authorized designee.

"Public assembly" means any meeting, demonstration, picket line, rally or gathering of any kind that occupies any street, sidewalk, public park, or other public area within the city.

“Sidewalk” means any area or way set aside or open to the general public for purposes of pedestrian travel, whether or not it is paved.

“Street” means any place or way set aside or open to the general public for purposes of vehicular traffic, including but not limited to any berm or shoulder, parkway, public parking lot, right-of-way, alley or median.

8.18.030 Permit required.

- A. An expressive activity event permit is required prior to conducting a demonstration or other event with the principal purpose of engaging in expressive activity, where the activity involves a gathering of 75 or more persons and any of the following:
 - 1. The use of any public park or other public area; or
 - 2. The use of any street or sidewalk in a manner that does not comply with normal or usual traffic regulations or controls.
- B. All persons that conduct or participate in an expressive activity that does not require an expressive activity event permit must undertake all reasonable measures so that event participants and activities comply with all applicable state and local laws and regulations.

8.18.040 Application.

- A. A person requesting an expressive activity event permit shall file an application on forms provided by the city manager.
- B. The application for an expressive activity event permit shall set forth all of the following information:
 - 1. The name, address, email address and telephone number of the individual applicant and the name of any corporate or non-individual event organizer, if any:
 - a. If the event organizer is a non-individual or corporate entity, said entity must identify on the permit application the name of its chief officer and the chief officer must sign the permit application;
 - b. If the event organizer is a non-individual or corporate entity, said entity must identify on the permit application the name of an individual that will act as the primary contact for the event.
 - 2. The date(s), time(s), and location(s) where the expressive activity is to be conducted;
 - 3. If the event requires full or partial street or sidewalk closures, the applicant shall also provide following information:
 - a. The assembly point for the event and the time at which people will begin to assemble; and
 - b. The location of the disbanding area; and
 - c. The proposed route to be traveled; and
 - d. Whether the event intends to occupy all or only a portion of the streets and/or sidewalks proposed to be traveled; and
 - e. An estimate of the approximate number of persons who will be participating in the event.
 - 4. Proof of commercial general liability insurance in a form acceptable to the risk manager (and additional coverage(s) as appropriate for the activities of the event), naming the City of Carlsbad as an additional insured, and with a coverage amount to be determined by the risk

manager according to the size and risk factors of the event. The insurance policy required by this section shall not be cancelled, limited or not renewed without 30 days' prior written notice has been given to the city; and

5. If the event will impact the public's normal, typical or customary use of any sidewalk, street, or parking lot, the application shall include a proposed traffic control plan describing how the applicant proposes to accommodate both the public's normal, typical, or customary use of any sidewalk, street, or parking lot and the event.

C. The application shall be filed no later than two days before commencement of the event.

D. The city manager may waive any of the permit application requirements where circumstances make it impractical or unnecessary to meet those requirements.

8.18.050 Permit approval or denial.

A. The city manager shall act on all complete applications in the following manner:

1. After review of the application and receipt of all required documents, the city manager shall issue the expressive activity event permit unless the city manager finds that approving the permit would be contrary to the public peace, health, safety, or welfare for one or more of the following reasons:

a. The event will unduly interfere with ingress to, or egress from, or travel on a freeway or state designated highway;

b. The event requires a temporary street closure that will unduly interfere with the orderly and safe movement of traffic or the provision of public services, and the applicant is unable or unwilling to modify the event's scope, location, date, time, or duration to minimize such impact;

c. The event will require a significant diversion of police officers such that police protection for other areas of the city may be adversely impacted, and the applicant is unable or unwilling to modify the event's scope, location, date, time, or duration to minimize such impact; or

d. The anticipated number of event participants would exceed the safe capacity of the public beach, public park, public water way, street or sidewalk where the event is proposed.

B. The city manager may impose conditions on approval of the expressive activity event permit as he or she determines to be reasonably necessary to protect the public peace, health, safety, or welfare.

C. An applicant has the right to appeal the denial of an expressive activity event permit to the city council. The denied applicant shall use the following procedures

1. The denied applicant must make the appeal within five days after receipt of the denial by filing a written notice with the city clerk and a copy of the notice with the police chief. The city council will act upon the appeal at the next regularly scheduled meeting following receipt of the notice of appeal, which decision will be final.

2. In the event that the city council denies an applicant's appeal, the applicant may seek judicial review of the city council's decision pursuant to California Code of Civil Procedure Section 1094.8.

8.18.060 Violations.

Conducting or participating in an unpermitted event for which a permit is required by this chapter, where the person knows a permit has not been granted, will constitute an infraction and shall be punished as provided for in Chapter 1.08 of this code.

8.18.070 Severability.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision will not affect the validity of the remaining portions of this chapter. The city council declares that it would have passed the ordinance codified in this chapter and each section, subsection, sentence, clause or phrase contained in it irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases are declared invalid or unconstitutional.